

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

MATTHEW STUART WADE,

Plaintiff,

v.

Civil Action No. 2:13-12817

DAVID BALLARD, Warden,
Mount Olive Correctional Complex,

Defendant.

MEMORANDUM OPINION AND ORDER

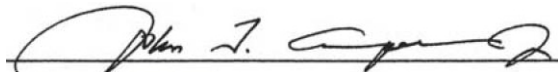
The court having received the proposed findings and recommendation of the United States Magistrate Judge filed on June 16, 2016, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by either party to the proposed findings and recommendation; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the proposed findings and recommendation of the magistrate judge be, and they hereby are, adopted by the court.

Accordingly, the court ORDERS, pursuant to 28 U.S.C. § 1915A, that the plaintiff's complaint be, and it hereby is, dismissed as frivolous and for failure to state a claim upon which relief can be granted. It is further ORDERED that plaintiff's Application to Proceed Without Prepayment of Fees

and Costs be, and it hereby is, denied. The court waives the payment of any applicable filing fee.

The Clerk is directed to forward copies of this memorandum opinion and order to the plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: July 6, 2016

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", is written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge